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**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ARIZONA**

Marcus Labertew, et al.,
Plaintiffs,
v.
Fred R. Auzenne, et al.,
Defendants.

No. CV-13-01785-PHX-DGC

ORDER

Plaintiffs filed a complaint in Maricopa County Superior Court against Fred Auzenne and Loral Langemeier, alleging claims for defamation, fraud, and other wrongs. Doc. 1-1. During trial, the parties entered into a stipulated judgment against Loral Langemeier in the amount of \$1,500,000. Doc. 1-16 at 27-28. On July 29, 2013, Plaintiffs filed applications for writs of garnishment against Langemeier's insurance companies, Chartis Property Casualty Company and 21st Century North America Insurance Company ("Garnishees"), seeking to recover on the \$1,500,000 stipulated judgment. Doc. 1-16 at 31-35.

Garnishees removed the proceeding to this Court and the Court referred the proceedings to Magistrate Judge Burns. Doc. 19. Judge Burns recommended that Garnishees' proposed judgment be granted because Plaintiffs did not file timely objections as required by the Arizona garnishment statute. Doc. 20 at 8; A.R.S. § 12-1581(A). The Court entered an order accepting Judge Burns' report and recommendation on April 7, 2014 (Doc. 26), and judgment was entered discharging Garnishees on the

1 same date (Doc. 27).

2 Garnishees have now filed a motion for costs and attorneys' fees pursuant to
3 A.R.S. § 12-1591(B). Doc. 28. The motion is fully briefed. Docs. 33, 36. Plaintiffs
4 filed a notice of appeal to the Ninth Circuit on May 3, 2014. Doc. 29.

5 **IT IS ORDERED** that Garnishees' motion for attorneys' fees (Doc. 28) is **denied**
6 without prejudice to re-filing upon resolution of Plaintiffs' appeal.

7 Dated this 9th day of July, 2014.

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12 David G. Campbell
13 United States District Judge
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